

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 EDWARD JOSE,

4 Plaintiff

5 v.

6 JOHN DOE, *et al.*,

7 Defendants

Case No.: 3:18-cv-00177-MMD-CBC

ORDERED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
OCT 30 2018	
CLERK U.S. DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

9 Plaintiff Edward Jose is an inmate within the Ely State Prison, and filed his civil rights
10 complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.) The Local Rules of Practice for the
11 District of Nevada provide: "Any person who is unable to prepay the fees in a civil case may
12 apply to the court for authority to proceed *in forma pauperis* (IFP). The application must be
13 made on the form provided by the court and must include a financial affidavit disclosing the
14 applicant's income, assets, and liabilities." LSR 1-1. When a prisoner seeks to proceed without
15 prepaying the filing fee, in addition to filing the affidavit, the prisoner is required to submit a
16 certified copy of the trust fund account statement (or institutional equivalent) for the six-month
17 period immediately preceding the filing of the complaint. The statement must be obtained from
18 the appropriate official at the prison or detention facility where the prisoner is or was confined.
19 28 U.S.C. § 1915(a)(2).

20 When a prisoner brings a civil action IFP, the prisoner is still required to pay the full
21 amount of the filing fee. The court is required to assess, and when funds exist, collect an initial
22 partial payment of 20 percent of the greater of: (A) the average monthly deposits in the
23 prisoner's account or (B) the average monthly balance in the prisoner's account for the six-

1 month period immediately preceding the filing of the complaint. Thereafter, whenever the
2 prisoner's account exceeds \$10, the prisoner must make monthly payments of 20 percent of the
3 preceding month's income credited to the prisoners account until the filing fees are paid. The
4 funds are to be forwarded by the agency having custody of the prisoner. 28 U.S.C. § 1915(b)(1),
5 (2).

6 The regular filing fee is \$400, consisting of the \$350 filing fee and a \$50 administrative
7 fee. If an inmate does not qualify for IFP status, he must pay the full \$400 filing fee. If the
8 inmate qualifies for IFP status, the \$50 administrative fee is waived, and the inmate will only pay
9 the \$350 filing fee over time.

10 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP
11 for an inmate. Plaintiff has **30 days** from the date of this Order to either file his completed IFP
12 application or pay the full \$400 filing fee.

13 Once Plaintiff has filed his completed IFP application or paid the filing fee, the court will
14 screen the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) or 28 U.S.C. § 1915A, or both. Both
15 require dismissal of a complaint, or any portion thereof, that is frivolous or malicious, fails to
16 state a claim upon which relief may be granted, or seeks monetary relief against a defendant who
17 is immune from such relief. If the complaint is dismissed on screening, there will be no refund of
18 the filing fee, and an inmate proceeding IFP is still required to pay the \$350 filing fee over time.

19
20 **IT IS SO ORDERED.**

21 Dated: October 30, 2018

22
23 
Carla B. Carry
UNITED STATES MAGISTRATE JUDGE